

Interview Summary

1. A proposed amendment was submitted for applicant's consideration. Examiner suggested Applicant to amend claims as shown in the Examiner's Amendment below in order to place the application in condition for allowance.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with the Applicant's Representative, Kevan Morgan (Reg. No. 42,015) on 15 December 2009.

Election/Restrictions

4. Claims 1-10, 12-30, 32-35, and 37-38 are allowable. Claims 1-10, 30, 32-35, 37 and 38, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement between inventions Group I, Group II, and Group III, as set forth in the Office action mailed on 22 June 2009, is hereby withdrawn and claims 1-10, 30, 32-35, 37 and 38 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the

Art Unit: 2444

restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

IN THE CLAIMS

Please amend the claims as shown below:

1. (Currently amended) A computer-implemented method for communicating information regarding a selected item to a user present at a location of a first retail entity from a second retail entity different from the first retail entity, wherein the selected item is available for purchase at the second retail entity, the method comprising:

while the user remains present at the location of the first retail entity, one or more processing components of a computer system operated by the second retail entity:

receiving an image from an imaging device of the user, wherein the image contains multiple instances of identifying data associated with the selected item;

for each of the multiple instances of identifying data, extracting the identifying data from the image using a data recognition procedure that produces an output;

comparing the output of each of the data recognition procedures to corroborate the identification of the selected item that is obtained from each instance of the identifying data;

determining whether the data recognition procedures output identifying data that is corroborated and based on that determination, when the identifying data is not corroborated, determining a quality of the output of each of the data recognition procedures and using identifying data of a higher quality output to obtain item information associated with the selected item, otherwise using the corroborated identifying data to obtain item information associated with the selected item;

communicating the item information directly from a server of the second retail entity to the imaging device of the user; and

storing at least one of the instances of identifying data as profile information in a database associated with the user, wherein the profile information is used to anticipate the user's purchasing interests and provide one or more targeted offers to the user to purchase an item based on the user's anticipated purchasing interests.

2. (Previously presented) The method of Claim 1, further comprising formatting the item information for output on a visual display of the imaging device when the item information is communicated from the second retail entity to the imaging device.

3. (Previously presented) The method of Claim 1, further comprising formatting the item information for output on an audio speaker of the imaging device when the item information is communicated from the second retail entity to the imaging device.

4. (Original) The method of Claim 1, wherein the imaging device is a digital camera capable of communicating the image containing the identifying data.

5. (Original) The method of Claim 1, wherein the imaging device is a mobile telephone having a component for capturing an image containing the identifying data.

6. (Original) The method of Claim 1, wherein the imaging device is a portable computing device having a component for capturing an image containing the identifying data.

7. (Previously presented) The method of Claim 1, wherein the method further comprises:

compiling historical data based on a number of times an image has been received from different imaging devices, said image containing identifying data associated with the selected item;

using the historical data to estimate consumer demand for the selected item; and
generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand.

8. (Original) The method of Claim 1, wherein the item information comprises rating information for the selected item associated with the identifying data.

9. (Original) The method of Claim 1, wherein the item information comprises price information for the selected item associated with the identifying data.

10. (Previously presented) The method of Claim 1, wherein at least one instance of the identifying data comprises a universal product code and another instance of the identifying data comprises text.

11. (Canceled)

12. (Currently amended) A computer system for communicating information regarding a selected item to a user present at a location of a first retail entity, wherein the system comprises a server operated by a second retail entity that is different than the first retail entity and the selected item is available for purchase at the second retail entity, the server being in communication with an imaging device of the user that is configured to capture an image of identifying data associated with the selected item, the server comprising:

a subsystem configured to receive an image from the imaging device of the user, wherein the image contains multiple instances of identifying data associated with the selected item;

a subsystem configured to extract the identifying data from each of the multiple instances in the image using a data recognition procedure that operates on an instance of the identifying data and produces an output;

a subsystem configured to compare the output of each of the data recognition procedures to corroborate the identification of the selected item that is obtained from each instance of the identifying data;

a subsystem configured ~~to use the corroborated identifying data~~ to obtain item information associated with the selected item by using the corroborated identifying data when the data recognition procedures output identifying data that is corroborated, and otherwise obtaining the item information by determining a quality of the output of each of the data recognition procedures and based on the output having a higher quality, using the identifying data of the higher quality output to obtain the item information, wherein the item information is obtained from at least one resource;

a subsystem configured to communicate the item information directly to the imaging device of the user while the user remains present at the location of the first retail entity; and

a subsystem with a storage database configured to store at least one of the instances of identifying data as profile information associated with the user, wherein the profile information is used to anticipate the user's purchasing interests and provide one or more targeted offers to the user to purchase an item based on the user's anticipated purchasing interests,

wherein each of the subsystems of the server operate using a processor in communication with a memory unit of the server.

13. (Previously presented) The system of Claim 12, wherein the resource is a Web service providing information related to the selected item.

14. (Original) The system of Claim 12, wherein the resource is a database storing information related to the selected item.

15. (Original) The system of Claim 12, wherein the server subsystem that communicates the item information is further configured to communicate the item information in a format that enables generation of an audible signal through a speaker.

16. (Original) The system of Claim 12, wherein the server subsystem that communicates the item information is further configured to communicate the item information in a format that enables generation of a visual output on a display.

17. (Previously presented) The system of Claim 12, wherein the server further comprises a subsystem configured to compile historical data based on a frequency of receipt of images from different imaging devices, said images containing

identifying data associated with the selected item, and generate a report that forecasts future purchasing activity for the item based on the estimated consumer demand.

18. (Original) The system of Claim 12, wherein the item information comprises rating information for the selected item associated with the identifying data.

19. (Original) The system of Claim 12, wherein the item information comprises price information for the selected item associated with the identifying data.

20. (Previously presented) The system of Claim 12, wherein at least one instance of the identifying data comprises a universal product code and another instance of the identifying data comprises text.

21. (Previously presented) The system of Claim 12, wherein the server operated by the second retail entity is at a location remote from the location of the first retail entity.

22. (Currently amended) A tangible computer-readable storage medium having a computer-executable component for communicating item information for a selected item to a user present at a location of a first retail entity, wherein the selected item is available for purchase at a second retail entity that is different than the first retail entity, and wherein the computer-executable component is executed by a server of the second retail entity and communicates the item information by:

receiving an image from an imaging device of the user, said image containing multiple instances of identifying data associated with the selected item;

for each of the multiple instances of identifying data, extracting the identifying data from the image using a data recognition procedure that produces an output;

comparing the output of each of the data recognition procedures to corroborate the identification of the selected item that is obtained from each instance of the identifying data;

determining whether the data recognition procedures output identifying data that is corroborated and based on that determination, when the identifying data is not corroborated, determining a quality of the output of each of the data recognition procedures and using identifying data of a higher quality output to obtain item information associated with the selected item, otherwise using the corroborated identifying data to obtain item information associated with the selected item;

communicating the item information directly from the server to the imaging device of the user while the user remains present at the location of the first retail entity; and

storing at least one of the instances of identifying data as profile information in a database associated with the user, wherein the profile information is used to anticipate the user's purchasing interests and provide one or more targeted offers to the user to purchase an item based on the user's anticipated purchasing interests.

23. (Previously presented) The computer-readable storage medium of Claim 22, wherein the computer-executable component communicates the item information in a format that enables an audible output of the item information through a speaker.

24. (Previously presented) The computer-readable storage medium of Claim 22, wherein the computer-executable component communicates the item information in a format that enables a visual output of the item information on a display.

25. (Previously presented) The computer-readable storage medium of Claim 22, further comprising a computer-executable component for generating a forecast report, said computer-executable component generating the forecast report by:

compiling historical data based on a frequency of receipt of images from different imaging devices, said images containing identifying data associated with the selected item;

using the historical data to estimate consumer demand for the item; and

generating a report that forecasts future purchasing activity for the item based on the estimated consumer demand.

26. (Previously presented) The computer-readable storage medium of Claim 22, wherein the item information comprises rating information for the selected item associated with the identifying data.

27. (Previously presented) The computer-readable storage medium of Claim 22, wherein the item information comprises price information for the selected item associated with the identifying data.

28. (Previously presented) The computer-readable storage medium of Claim 22, wherein at least one instance of the identifying data comprises a universal product code and another instance of the identifying data comprises text.

29. (Previously presented) The computer-readable storage medium of Claim 28, wherein extracting identifying data associated with the selected item from the image includes processing the universal product code with a UPC recognition program to produce a first output and processing the text with an optical character recognition program to produce a second output.

30. (Currently amended) An integrated portable apparatus for obtaining item information for a selected item available for purchase at a location of a first retail entity, the apparatus comprising:

an input device configured to capture an image that contains multiple instances of identifying data associated with the selected item;

an output device for outputting item information for the selected item as obtained from a second retail entity that is different than the first retail entity;

a tangible storage medium for storing said identifying data and program instructions for processing the image; and

a ~~processing unit~~ computer processor communicatively coupled to the input device, the output device, and the storage medium, for executing the program instructions that process the image by:

for each of the multiple instances of identifying data, extracting each of the multiple instances of the identifying data from the image using a data recognition procedure that produces an output;

comparing the output of each of the data recognition procedures to corroborate the identification of the selected item that is obtained from each instance of the identifying data;

determining whether the data recognition procedures output identifying data that is corroborated and based on that determination, when the identifying data is not corroborated, determining a quality of the output of each of the data recognition procedures and outputting identifying data of a higher quality output on the output device to allow the user to review and edit the identifying data before the identifying data is communicated to a server operated by the second retail entity, otherwise outputting the corroborated identifying data on the output device to allow the user to

review and edit ~~or modify~~ the identifying data before the identifying data is communicated to ~~[[a]]~~ the server operated by the second retail entity;

communicating the identifying data to the server operated by the second retail entity, wherein the selected item is available for purchase from the second retail entity;

storing at least one of the instances of identifying data as profile information in a database associated with the user, wherein the profile information is used to anticipate the user's purchasing interests and provide one or more targeted offers to the user to purchase an item based on the user's anticipated purchasing interests;

receiving, from the server of the second retail entity, item information for the selected item identified by the identifying data obtained from the image; and

outputting the item information on the output device, wherein the output device communicates the item information to a user while the user remains at the location of the first retail entity.

31. (Canceled)

32. (Currently amended) The apparatus of Claim 30, wherein at least one instance of the identifying data is barcode data and the ~~processing-unit~~ computer processor extracts the barcode data by executing a barcode recognition program that operates on the image.

33. (Currently amended) The apparatus of Claim 30, wherein at least one instance of the identifying data is text data and the ~~processing-unit~~ computer processor extracts the text data by executing an optical character recognition program that operates on the image.

34. (Currently amended) The apparatus of Claim 30, wherein the ~~processing unit~~ computer processor communicates the image to the server operated by the second retail entity at a location remote from the first retail entity for the server to extract the identifying data from the image.

35. (Previously presented) The apparatus of Claim 30, wherein the item information for the selected item is obtained by retrieving item information from a database maintained on behalf of the second retail entity, wherein the item information corresponds to the identifying data for the selected item.

36. (Canceled)

37. (Previously presented) The method of Claim 1, further comprising polling the user to determine the correct identifying data for the selected item if the output of the data recognition procedures results in conflicting identifying data.

38. (Previously presented) The method of Claim 1, wherein if the data recognition procedures output conflicting identifying data, the method further comprises obtaining item information for all of the items identified by the output of the data recognition procedures.

39. (Canceled)

Allowable Subject Matter

Art Unit: 2444

5. Claims 1-10, 12-30, 32-35, and 37-38 are allowed. The following is an examiner's statement of reasons for allowance: In interpreting the currently amended claims as authorized by the Applicant, in light of the specification, the Examiner finds the claimed invention to be patentably distinct from the prior art of record.

6. The features as recited in the currently amended independent claims 1, 12, 22, and 30, *"determining whether the data recognition procedures output identifying data that is corroborated and based on that determination, when the identifying data is not corroborated, determining a quality of the output of each of the data recognition procedures and using identifying data of a higher quality output to obtain item information associated with the selected item,"* when taken in context with the claim as a whole are not taught by the prior art of record. In addition, the Examiner did not uncover any prior art that teaches or fairly suggests all of the limitations of the claimed invention.

7. Furthermore, the Examiner finds Applicant's arguments on pages 21-22 of the remarks filed on 18 September 2009 to be persuasive. Applicant stated:

At paragraph [0125], Kinjo describes a process of comparing similarities of a photographed article with image data of the article. "[T]he identifying process is completed by selecting the data with the greatest degree of similarity above a predetermined value." At best, the process described by Kinjo represents a single data recognition procedure in which image data of the article is identified based on which image data has the greatest similarity with the photographed article. Greater or lesser similarity does not reflect the quality of the comparison process, but rather is a result of comparing different images with the photographed article. Kinjo does not describe judging a quality of the output of each of the data recognition procedures and using the best identifying data to obtain the item information, as claimed in Claim 36.

Art Unit: 2444

8. Dependent claims 2-10, 13-21, 23-29, 32-35, and 37-38 are allowed as per their dependency upon allowable independent claims 1, 12, 22, and 30. Therefore, claims 1-10, 12-30, 32-35, and 37-38 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2444

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571) 272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ranodhi N Serrao/

Ranodhi N. Serrao
Examiner, Art Unit 2444